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MAY 28 2008

10,700-20/Ohio/U.S.A.

File Number 2008-083

May 23, 2008

Ms. Deborah A. Wilcox  
Baker & Hostetler LLP  
1900 East 9th Street  
Suite 3200  
Cleveland, Ohio 44114-3485  
U.S.A.

Dear Ms. Wilcox:

Re: Service of Documents Pursuant to the Hague Convention on  
the Service Abroad of Judicial or Extra-Judicial  
Documents in Civil or Commercial Matters - **Kudos**  
**Leathergoods Ltd. d/b/a Jack and Lily, 720 Alexander**  
**Street, Vancouver, BC V6A 1E3 Canada**

The above-referenced documents have been served upon **Kudos**  
**Leathergoods Ltd. d/b/a Jack and Lily**, as requested pursuant to  
the terms and conditions of the Hague Convention on the Service  
Abroad of Judicial or Extrajudicial Documents in Civil or  
Commercial Matters. The completed Certificate is enclosed along  
with supporting documents.

Also enclosed is a receipt in the amount of \$50.00.

Thank you.

Yours truly,

Doris Dardengo  
A/Central Authority Administrator

Enclosures

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Ministry of  
Attorney General

Legal Services Branch  
Order in Council Administration

Mailing Address:  
PO BOX 9226 STN PROV GOVT  
Victoria BC V8W 9J1

Location:  
Room 208  
553 Superior Street  
Victoria BC  
V8V 1X4

Telephone: 250 387-5378  
Facsimile: 250 387-4349



**BRITISH  
COLUMBIA**  
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— US Funds —  
**RECEIPT**

919991 K

THE SUM OF

Fifty XX DOLLARS

\$ 50.00

ON ACCOUNT OF

Service of Documents  
2008-083

GST NUMBER

**R 1 0 7 8 6 4 7 3 8**

The amount received above includes GST in the amount of \$

RECEIVED FROM

Baker + Hosteller

YY YY MM DD  
ON 2008 05 03

ISSUING OFFICE

OIC

ISSUING OFFICER'S SIGNATURE

Dan Drury

FIN 48 Rev. 2007 / 3 / 14  
OPC 7530951054 (50/Bk)

WHITE: CUSTOMER

PINK: MINISTRY FILE

CANARY: RETAIN IN BOOK FOR AUDIT

**REQUEST****FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS****DEMANDE****AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER  
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE**

**Convention on the Service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.**

*Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.*

|   |  |
|---|--|
| <b>Identity and address of the applicant</b><br><i>Identité et adresse du requérant</i><br><br>Baker & Hostetler LLP<br>1900 East 9th Street, Suite 3200<br>Cleveland, Ohio 44114-3485<br><br>Attorneys for:<br>pediped Footwear, LLC<br>1191 Center Point Drive<br>Henderson, NV 89074 | <b>Address of receiving authority</b><br><i>Adresse de l'autorité destinataire</i><br><br><b>MINISTRY OF THE ATTORNEY GENERAL</b><br><b>Order in Council Office</b><br>Room 208, 553 Superior Street<br>Victoria, British Columbia V8V 1X4<br>Canada |
|---|--|

The undersigned applicant has the honour to transmit – in duplicate – the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,

(Identity and address)

*Le requérant soussigné a l'honneur de faire parvenir -- en double exemplaire -- à l'autorité destinataire les documents ci-dessous énumérés, en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savoir:*

(Identité et adresse) Kudos Leathergoods Ltd. d/b/a Jack and Lily, 720 Alexander Street, Vancouver, BC V6A 1E3

Tel: (604) 254-6900

- (a) In accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.\*  
*a) selon les formes légales (article 5, alinéa premier, lettre a).*
- (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)\*:  
*b) selon la forme particulière suivante (article 5, alinéa premier, lettre b);*
- (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)\*.  
*c) le cas échéant, par remise simple (article 5, alinéa 2).*

The authority is requested to return or to have returned to the applicant a copy of the documents -- and of the annexes\* -- with a certificate as provided on the reverse side.

*Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte -- et de ses annexes -- avec l'attestation figurant au verso.*

**List of documents**  
*Numérotation des pièces*

Initial Conference Order

Done at Cleveland, OH, U.S.A.

, the 30th of Apr. 2008

*Fait à*

*le*

Signature and/or stamp.  
*Signature et/ou cachet.*

(Formerly OBD-116 which was formerly LAA-116,  
 both of which may still be used)

USM-94  
 (Est. 11/22/77)

\* Delete if inappropriate.  
*Rayer les mentions inutiles.*

**SUMMARY OF THE DOCUMENT TO BE SERVED**  
**ELEMENTS ESSENTIELS DE L'ACTE**

**Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.**

*Convention relative à la signification et à la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.*

(article 5, fourth paragraph)  
 (article 5, alinéa 4)

**Name and address of the requesting authority:** Baker & Hostetler LLP, 1900 East 9th Street, Suite 3200, Cleveland, Ohio 44114-3485  
*Nom et adresse de l'autorité requérante:*

**Particulars of the parties\*:** PEDIPED INFANT FOOTWEAR, LLC v. KUDOS LEATHERGOODS LTD. d/b/a JACK AND LILY  
*Identité des parties*

**JUDICIAL DOCUMENT\*\***  
**ACTE JUDICIAIRE**

**Nature and purpose of the document:** Initial Conference Order, which, inter alia, sets a pre-trial conference in the matter referenced above.  
*Nature et objet de l'acte:*

**Nature and purpose of the proceedings and, where appropriate, the amount in dispute:**

*Nature et objet de l'instance, le cas échéant, le montant du litige:*

Civil Action for Trade Dress Infringement, Dilution, and Unfair Competition

**Date and place for entering appearance\*\*:** The conference shall be held on July 25, 2008 at 2:15 p.m. in Courtroom No. 17C, Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, New York 10007.

**Court which has given judgment\*\*:**  
*Juridiction qui a rendu la décision:*

**Date of judgment\*\*:**

*Date de la décision:*

**Time limits stated in the document\*\*:**

*Indication des délais figurant dans l'acte:*

**EXTRAJUDICIAL DOCUMENT\*\***  
**ACTE EXTRAJUDICIAIRE**

**Nature and purpose of the document:**  
*Nature et objet de l'acte:*

**Time limits stated in the document\*\*:**  
*Indication des délais figurant dans l'acte*

\* If appropriate, identify and address of the person interested in the transmission of the document.  
*S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.*

\*\* Delete if inappropriate.  
*Rayer les mentions inutiles.*

**CERTIFICATE  
ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,  
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1) that the document has been served\*  
 1. que la demande a été exécutée

- the (date)
- le (date)
- at (place, street, number)
- à (localité, rue numéro)

*May 13, 2008*

720 Alexander St., Vancouver, BC V6A 1E3

- in one of the following methods authorized by article 5-
- dans une des formes suivantes prévues à l'article 5:

(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention\*.  
 a) selon les formes légales (article 5, alinéa premier, lettre a).

(b) in accordance with the following particular method\*: b) selon la forme particulière suivante:

*By Personne Service or Knobs Leather Goods Ltd.*

(c) by delivery to the addressee, who accepted it voluntarily.\*  
 c) par remise simple

The documents referred to in the request have been delivered to:

Les documents mentionnés dans la demande ont été remis à:

- (identity and description of person)

*Robert Thomas Brown - BCOL# 4383023*

*EYES - Brown Hair-Brown WEIGHT - 82 kgs HEIGHT - 190 cm SEX - M.*

- relationship to the addressee (family, business or other):

*lien de parenté, de subordination ou autres, avec le destinataire de l'acte: OWNER*

2) that the document has not been served, by reason of the following facts\*:  
 2. que la demande n'a pas été exécutée, en raison des faits suivants:

*(Handwritten mark: three parallel lines with a diagonal line through them)*

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement\*.

Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.

Annexes  
Annexes

Documents returned:  
Pièces renvoyées:

ROBSON SQUARE PROVINCIAL COURT  
Suite #100 - 800 Hornby Street  
Vancouver, B.C.  
V6Z 2C5      CANADA

Done at *800 Hornby St. Vancouver*, the *May 14, 2008*

Signature and/or stamp.  
Signature et/ou cachet.

*D/S Robert DeGoy #848*

2

*Robert DeGoy*

\* Delete if inappropriate.  
Rayer les mentions invulges.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

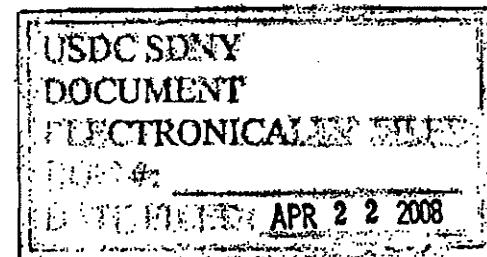
Pediped Infant Footwear LLC

Plaintiff(s),

-against-

Kudos Leathergoods Ltd d/b/a Jack and Lily,  
Defendant(s).

No. 08 Civ. 3572 (LTS)(THK)  
INITIAL CONFERENCE ORDER



LAURA TAYLOR SWAIN, DISTRICT JUDGE:

1. It is hereby ORDERED that a pre-trial conference shall be held in the above-captioned matter on **July 25, 2008 at 2:15 p.m.** in Courtroom No. 17C<sup>1</sup>, Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, New York 10007. It is further
2. ORDERED that counsel<sup>2</sup> for plaintiff(s) shall serve a copy of this Initial Conference Order on each defendant within ten (10) calendar days following the date of this order, and that a copy of this Initial Conference Order shall also be served with any subsequent process that brings in additional parties, and that proof of such service shall be filed with the Court promptly. It is further
3. ORDERED that counsel for the parties confer preliminarily at least twenty-one (21) days prior to the date set forth in paragraph 1 above to discuss the following matters:
  - a. Facts that are not disputed and facts that are in dispute.
  - b. Contested and uncontested legal issues.
  - c. The disclosures required by Fed. R. Civ. P. 26(a)(1).
  - d. Anticipated amendments to the pleadings, and an appropriate deadline therefor.
  - e. Settlement.
  - f. Whether mediation might facilitate resolution of the case.
  - g. Whether the case is to be tried to a jury.
  - h. Whether each party consents to trial of the case by a magistrate judge.
  - i. Anticipated discovery, including discovery of electronically stored information and procedures relevant thereto, and an appropriate deadline for the conclusion of discovery.
  - j. Whether expert witness evidence will be required, and appropriate deadlines for expert witness discovery.
  - k. Whether dispositive motions may be appropriate, and a deadline for such motions.

<sup>1</sup> On the day of the conference, check the electronic board in the lobby to be certain of the proper courtroom.

<sup>2</sup> As used in this Order, the term "counsel" shall, in the case of an individual party who is proceeding Pro-se, mean such party.

1. Evidence to be presented at trial and the length of time expected to be required for the presentation of evidence at trial.

It is further

4. ORDERED that counsel for all parties shall confer and shall prepare, execute and file with the Court, with one courtesy copy provided to chambers of the undersigned, no later than seven (7) calendar days before the date set forth in paragraph 1 above a single document captioned PRELIMINARY PRE-TRIAL STATEMENT, which shall be signed by all counsel, which shall set forth the following information, and which shall constitute the written report required by Fed. R. Civ. P. 26(f):
  - a. A concise statement of the nature of this action.
  - b. A concise statement of each party's position as to the basis of this Court's jurisdiction of the action, with citations to all statutes relied upon and relevant facts as to citizenship and jurisdictional amount.
  - c. A concise statement of all material uncontested or admitted facts.
  - d. A concise statement of all uncontested legal issues.
  - e. A concise statement of all legal issues to be decided by the Court.
  - f. Each party's concise statement of material disputed facts.
  - g. A concise statement by each plaintiff and each counterclaimant of the legal basis of each cause of action asserted, including citations to all statutes, Federal Rules of Civil Procedure, other rules and case law intended to be relied upon by such plaintiff or counterclaimant.
  - h. Each party's concise statement of the legal basis of each defense asserted or expected to be asserted by such party, including citations to all statutes, Rules, and other applicable regulatory and judicial authority intended to be relied on by such party.
  - i. A concise statement of the measure of proof and on whom the burden of proof falls as to each cause of action or defense.
  - j. Whether and to what extent amendments to pleadings and/or the addition or substitution of parties will be required, and proposed deadlines therefor.
  - k. A statement as to whether all parties consent to transfer of the case to a magistrate judge for all purposes, including trial (without identifying which parties have or have not so consented).
  - l. What, if any, changes should be made in the timing, form or requirements for disclosures under Fed. R. Civ. P. 26(a), including a statement as to when any disclosures required under Fed. R. Civ. P. 26(a)(1) were made or will be made.
  - m. The subjects on which disclosure may be needed and a proposed discovery cut-off date.
  - n. Whether and to what extent expert evidence will be required, and proposed deadlines for expert discovery.
  - o. What, if any, changes should be made in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the Local Rules of court, and what other limitations should be imposed.
  - p. The status of settlement discussions and the prospects for settlement of the action in whole or in part, provided that the Preliminary Pre-Trial Statement shall not disclose to the Court specific settlement offers or demands.

- q. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days expected to be needed for presentation of that party's case.
- r. Any other orders that should be entered by the Court under Fed. R. Civ. P. 26(c) or Fed. R. Civ. P. 16(b) and (c).

It is further

- 5. ORDERED that counsel shall be prepared to discuss the foregoing at the pre-trial conference, as well as whether a reference to the Magistrate Judge or to mediation may be helpful in resolving this case, and anticipated dispositive motions and a deadline therefor. It is further
- 6. ORDERED that counsel attending the pre-trial conference shall seek settlement authority from their respective clients prior to such conference. "Settlement authority," as used herein, includes the power to enter into stipulations and make admissions regarding all matters that the participants may reasonably anticipate discussing at the pre-trial conference including, but not limited to, the matters enumerated in the preceding paragraphs.
- 7. In the event that any party fails to comply with this Order, the Court may impose sanctions or take other action as appropriate. Such sanctions and action may include assessing costs and attorneys' fees, precluding evidence or defenses, dismissing the action, and/or the imposition of other appropriate penalties.
- 8. This case has been designated an electronic case. Counsel for all parties are required to register as filing users in accordance with the Procedures for Electronic Case Filing promptly upon appearing in the case.

IT IS SO ORDERED.

Dated: New York, New York  
April 21, 2008



LAURA TAYLOR SWAIN  
United States District Judge